

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

PHILLIP ANTHONY PETERSON,

Petitioner,

No. CIV S-02-1720 FCD DAD P

vs.

ERNEST ROE, Warden, et al.,

Respondents.

ORDER

Petitioner is a state prisoner proceeding pro se with this application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Judgment was entered in this case on September 21, 2006. This matter is currently on appeal to the United States Court of Appeals for the Ninth Circuit. On December 11, 2006, petitioner filed a request to proceed in forma pauperis on appeal. The court file reflects that petitioner paid the filing fee for this action.

Rule 24(a) of the Federal Rules of Appellate Procedure provides that a party to a district court action who desires to proceed in forma pauperis on appeal must file a motion in the district court which:

(A) shows in the detail prescribed by Form 4 of the Appendix of Forms the party's inability to pay or to give security for fees and costs;

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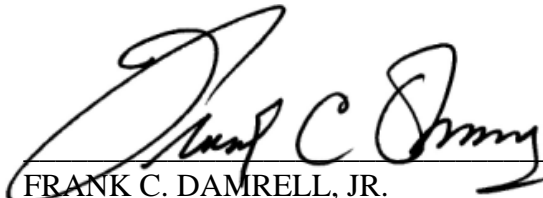
1 (B) claims an entitlement to redress; and

2 (C) states the issues that the party intends to present on appeal.

3 Fed. R. App. P. 24(a)(2). Petitioner has attached the appropriate affidavit which demonstrates  
4 his inability to pay or to give security for fees and costs. In his October 16, 2006, request for a  
5 certificate of appealability, petitioner claimed entitlement to redress and described the issues he  
6 intended to present on appeal. Petitioner has complied with the requirements of Fed. R. App. P.  
7 24(a). Accordingly, his request to proceed in forma pauperis on appeal will be granted.

8 Accordingly, good cause appearing, IT IS HEREBY ORDERED that petitioner's  
9 December 11, 2006, request to proceed in forma pauperis on appeal is granted.

10 DATED: December 19, 2006.

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13 FRANK C. DAMRELL, JR.  
14 UNITED STATES DISTRICT JUDGE  
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